



township to have as one of its written policies that the credit card only be used for official business of the township. Additionally, personal use of a township credit card would constitute an unlawful lending of credit by the township for private purposes, in violation of the Michigan Constitution.

Q Must the board take any action if it does not want to allow licensed medical marijuana facilities in the township?

No. Public Act 281 of 2016, the Medical Marihuana Facilities Licensing Act, is opt-in legislation with regard to a township's allowance of licensed medical marijuana facilities within the township. This means that the township must affirmatively *opt in* by adopting an ordinance to allow for these licensed medical marijuana facilities. The State of Michigan will not begin to license marijuana facilities until Dec. 15, 2017.

Licensed medical marijuana facilities include licensed growers, processors, safety compliance facilities, provisioning centers and secure transporters. Even though the state will only license facilities located in municipalities that adopt ordinances allowing for such facilities, it is still recommended that your township review its current general ordinances and zoning ordinance to determine if there are any provisions therein which could be interpreted as specifically allowing for these types of facilities. Taking any such provisions out of your ordinances will prevent any potential arguments by those seeking licenses that their facilities are in fact allowed in your township. Also, while not required, your township could take the affirmative step to pass a resolution or ordinance stating that medical marijuana facilities are not allowed in your township.

Q If my township prohibits medical marijuana facilities, will this also prohibit the use of medical marijuana by qualified patients and the provision of medical marijuana by qualified caregivers?

No. The Michigan Medical Marihuana Act (MCL 333.26421, *et seq.*) is a voter-initiated law authorizing, within certain limitations, patients to grow and use medical marijuana, and caregivers to grow and provide medical marijuana to such patients. This law remains unchanged and separate from the recent PA 281. Authorized patients and caregivers may continue to grow and/or use medical

marijuana as authorized under the Michigan Medical Marihuana Act regardless of whether the township prohibits medical marijuana facilities.

Q If my township is considering allowing medical marijuana facilities, do we need to adopt a moratorium on such facilities until the township is done reviewing the matter?

No. A moratorium would not be required while your township considers whether or not to allow medical marijuana facilities. Licensed medical marijuana facilities are only allowed in your township if your township opts in by adopting an ordinance. At any time, even after the state starts granting licenses, the township can adopt an ordinance allowing licensed medical marijuana facilities. Pursuant to this opt-in ordinance, the township can determine what types of facilities it will allow and the number. Your township has all the time it wants to study the matter and determine whether or not it wishes to opt in at a later time.

Hello, MTA ... ? provides general information on typical questions asked by township officials. Readers are encouraged to contact an attorney when specific legal guidance is needed. Member township officials and personnel may contact MTA Member Information Services with questions or requests from 8 a.m. to 5 p.m., weekdays, at (517) 321-6467 or fax (517) 321-8908.

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